

**ASSEMBLY BILL**

**No. 392**

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**Introduced by Assembly Member Strickland**

February 11, 1999

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An act to add Section 246.5 to the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 392, as introduced, Strickland. Firearms: possession while intoxicated.

Under existing law, except as otherwise authorized by law, any person who willfully discharges a firearm in a grossly negligent manner that could result in injury or death to a person shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison.

This bill would provide that any person who brandishes a firearm while intoxicated shall, upon conviction, be punished by imprisonment in a county jail or by imprisonment in the state prison. Because the bill would create a new crime, it would impose a state-mandated program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 246.5 is added to the Penal Code,  
2 to read:

3 246.5. Any person who brandishes a firearm while  
4 intoxicated shall, upon conviction, be punished by  
5 imprisonment in a county jail or by imprisonment in the  
6 state prison.

7 SEC. 2. No reimbursement is required by this act  
8 pursuant to Section 6 of Article XIII B of the California  
9 Constitution because the only costs that may be incurred  
10 by a local agency or school district will be incurred  
11 because this act creates a new crime or infraction,  
12 eliminates a crime or infraction, or changes the penalty  
13 for a crime or infraction, within the meaning of Section  
14 17556 of the Government Code, or changes the definition  
15 of a crime within the meaning of Section 6 of Article  
16 XIII B of the California Constitution.

